

**SAUL EWING  
ARNSTEIN  
& LEHR<sup>LLP</sup>**

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CASE MANAGEMENT

NOV 18 2019

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

*Jwd CMS  
11/20/19*

Courtney L. Schultz  
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November 15, 2019

Via Email and Federal Express

Honorable Ernest M. Bongiovanni, ALJ  
NJ Office of Administrative Law  
33 Washington Street  
Newark, NJ 07102  
[lla.Dhabliwala@oal.nj.gov](mailto:lla.Dhabliwala@oal.nj.gov)

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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

**RE: OAL No. PUC 11578-19 Aqua NJ Inc. Wallkill Sewer Division  
BPU Docket No. WR19080920**

Dear Judge Bongiovanni:

Enclosed please find an original and two (2) copies, plus one additional copy, of a Stipulation of Settlement ("Stipulation"), which has been executed on behalf of the Petitioner, Aqua New Jersey, Inc. Wallkill Sewer Division, the Staff of the Board of Public Utilities ("Staff"), and the Division of Rate Counsel in connection with the above-referenced matter. This Stipulation fully resolves all matters at issue in this proceeding.

I have been advised by Staff that in order for this to be approved by the BPU at its final Agenda meeting of the year (on December 20, 2019) that Staff must have the agenda package (including the Initial Decision) prepared by Thursday, December 5, 2019. The parties would greatly appreciate if you could prioritize the review of the Stipulation and preparation of the Initial Decision so that we can make the December BPU Agenda.

Thank you in advance for your prompt attention to this matter.

Kindly stamp the additional copy of the Stipulation "filed" and return it to me in the enclosed self-addressed, stamped envelope.

*Case mgmt*  
*S. Petrowski, Esq*  
*P. Owen, Esq*

cc: Attached Service List (via email)

Respectfully submitted,

*Courtney L. Schultz*  
Courtney L. Schultz

Centre Square West • 1500 Market Street, 38<sup>th</sup> Floor • Philadelphia, PA 19102-2186  
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DELAWARE FLORIDA ILLINOIS MARYLAND MASSACHUSETTS MINNESOTA NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC

A DELAWARE LIMITED LIABILITY PARTNERSHIP

SERVICE LIST

In the Matter of the Petition of Aqua New Jersey, Inc.,  
Wallkill Sewer Division, for Approval of a 2018 Purchased Wastewater Treatment  
Adjustment Clause True-Up and Other Required Approvals  
BPU Docket No. WR19080920

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Office of the Attorney General  
Department of Law and Public Safety  
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Karriemah Graham, Chief\*\*  
Bureau of Case Management  
Board of Public Utilities  
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William C. Packer  
**Aqua Pennsylvania, Inc.**  
762 W. Lancaster Ave.  
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[wcpackerjr@aquaamerica.com](mailto:wcpackerjr@aquaamerica.com)

\*\* Hard copy will be provided

RECEIVED  
CASE MANAGEMENT

NOV 18 2019

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

<b>IN THE MATTER OF THE PETITION OF AQUA NEW JERSEY, INC., WALLKILL SEWER DIVISION, FOR APPROVAL OF A 2018 PURCHASED WASTEWATER TREATMENT ADJUSTMENT CLAUSE TRUE-UP AND OTHER REQUIRED APPROVALS :</b>	<b>STIPULATION OF SETTLEMENT  BPU DOCKET NO. WR19080920 OAL DOCKET NO. PUC11578-2019N</b>
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NOV 18 2019  
BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

**APPEARANCES:**

Courtney L. Schultz, Esq., Saul Ewing Arnstein & Lehr LLP, on behalf of the Petitioner, Aqua New Jersey, Inc., Wallkill Sewer Division

Debra F. Robinson, Deputy Rate Counsel, and Susan E. McClure, Esq., Assistant Deputy Rate Counsel, on behalf of the Division of Rate Counsel

Paul Youchak, Deputy Attorney General, (Gurbir S. Grewal, Attorney General of New Jersey), on behalf of the Staff of the New Jersey Board of Public Utilities

**TO THE HONORABLE NEW JERSEY BOARD OF PUBLIC UTILITIES:**

The Parties that have participated in this proceeding are Aqua New Jersey, Inc., Wallkill Sewer Division (“Aqua,” “Company,” or “Petitioner”), the Division of Rate Counsel (“Rate Counsel”), and the Staff of the Board of Public Utilities (“Staff”) (collectively, the “Parties”). There were no intervenors in this proceeding. As a result of an analysis of Aqua’s Petition and exhibits, discovery conducted by Rate Counsel and Staff, conferences, and negotiations, the Parties to this proceeding have come to the within agreement. The Parties hereto agree and stipulate as follows:

1. Petitioner operates a sewage collection and transmission system within a portion of the Township of Hardyston, County of Sussex, New Jersey. Petitioner serves approximately

409 customers within this portion of its service territory. Aqua is a public utility corporation of the State of New Jersey subject to the jurisdiction of the Board of Public Utilities (the "Board"). Aqua's principal business office is located at 10 Black Forest Road, Hamilton, New Jersey 08691.

2. On August 15, 2019, pursuant to N.J.A.C. 14:9-7.1 to 7.7, Aqua filed the above-captioned Petition with the Board, which was later assigned BPU Docket No. WR19080920, for approval of a true-up of purchased wastewater treatment adjustment clause ("PSTAC") costs and revenues for calendar year 2018, and to set prospective rates for calendar year 2020 as required by N.J.A.C. 14:9-7.1(d) and 14:9-7.7. Aqua will true-up 2019 PSTAC revenues and rates in its 2020 PSTAC filing, and commits that it will make this filing on a timely basis.

3. On August 19, 2019, the matter was transmitted to the Office of Administrative Law ("OAL") and was later assigned to the Honorable Administrative Law Judge ("ALJ") Ernest Bongiovanni for review and disposition.

4. On September 12, 2019, a telephonic prehearing conference was held before ALJ Bongiovanni, after which a Prehearing Order was issued by ALJ Bongiovanni on September 25, 2019.

5. A public comment hearing was scheduled for October 30, 2019, and all requisite notices were given, including notice by publication in the New Jersey Herald on September 27, 2019.

6. On October 30, 2019 a public hearing was held at the Littell Community Center, at 5:30 p.m., over which ALJ Bongiovanni presided. No members of the public appeared.

7. Petitioner's rates reflect the recovery of wastewater treatment charges imposed by the Sussex County Municipal Utilities Authority ("SCMUA"). The current PSTAC tariff was

approved by the Board in an Order in Docket No. WR18080881, dated November 19, 2018, which examined PSTAC revenues and expenses applicable to the period ending December 31, 2017 and set prospective rates for calendar year 2019.

8. In this proceeding, the Parties have examined the Company's actual revenues and actual SCMUA expenses for calendar year 2018, and the Company's projected SCMUA expenses for 2020, as well as the costs of this proceeding. Based on the foregoing, the Parties have determined that the current PSTAC rate should be increased to recover an additional \$8,782 in revenues. The \$8,782 PSTAC increase was calculated based on the following components:

- a) an over-recovery of actual wastewater treatment charges of approximately \$11,266 for the calendar year ending December 31, 2018 (See Exhibit A, attached hereto, pages 1 to 3), with the interest on this over-recovery calculated to be \$107 (See Exhibit A, page 10);
- b) projected SCMUA charges for 2020 of \$148,586 based on SCMUA rates effective for 2019 (See Exhibit A, page 5);
- c) the total costs of this proceeding are deemed to be \$8,000 (See Exhibit A, page 4). These costs will be shared 50/50 between ratepayers and shareholders, resulting in a cost to customers of \$4,000 (See Exhibit A, page 7); and
- d) the pro forma PSTAC revenues at present rates are projected to be \$132,431 (See Exhibit A, page 6).

9. As required in N.J.A.C. 14:9-7.7, the Company has included in its filing an estimate of SCMUA costs for calendar year 2020, which estimate has been used to determine the applicable PSTAC rate for 2020.

10. Based on the estimated costs for 2020, the over-recovery for 2018, and the costs of this proceeding, the Parties have agreed that Petitioner's current PSTAC rates on file with the Board should be increased as indicated on Exhibit A. For the average residential customer, the PSTAC rate will increase from \$5.08 per thousand gallons to \$5.42 per thousand gallons, an increase of \$0.34 per thousand gallons or approximately 6.73%. (See Exhibit A, page 8). With respect to the total monthly rate for wastewater services, the total monthly rate for the average residential customer using approximately 3,900 gallons per month will increase from \$33.15 to \$34.46, an increase of \$1.30 or approximately 3.93% monthly.

11. Consistent with the provisions of N.J.A.C. 14:9-7.1 to 7.7, the Parties agree that the Company will file with the Board a PSTAC petition to reconcile calendar year 2019 actual SCMUA costs with the estimated SCMUA costs (as reflected in the rates identified on Exhibit A) for the same period. Additionally, the Company will include in its filing an estimate of SCMUA costs for calendar year 2021, which estimate will be used to determine the applicable PSTAC rate for 2021, as required in N.J.A.C. 14:9-7.1(d) and 14:9-7.7.

12. The Parties have engaged in full discovery. The Parties agree that the within Stipulation reflects a mutual balancing of various issues and positions, and that it is being entered into in the spirit of compromise and to avoid protracted and costly litigation.

13. This Stipulation is the product of negotiations by the Parties, and it is an express condition of the settlement embodied by this Stipulation that it be presented to the Board in its entirety without modification or condition. It is also the intent of the Parties to this Stipulation that this settlement, once accepted and approved by the Board, shall govern all issues specified and agreed to herein. The Parties to this Stipulation specifically agree that if adopted in its

entirety by the Board, no appeal shall be taken by them from the order adopting same as to those issues upon which the Parties have stipulated herein.

14. The Parties agree that each term within this Stipulation reflects a mutual balancing of various issues and positions and is intended to be accepted and approved in its entirety. Each term is vital to this Stipulation as a whole, since the Parties hereto expressly and jointly state that they would not have signed this Stipulation had any terms been modified in any way. In the event any particular aspect of this Stipulation is not accepted and approved by the Board, then any Party hereto materially affected thereby shall not be bound to proceed under this Stipulation.

15. The Parties further agree that with respect to any policy or other issues which were compromised in the spirit of reaching an agreement, none of the Parties shall be prohibited from, or prejudiced in, arguing a different policy or position before the Board in any other proceeding, as such agreements pertain only to this matter and to no other matter. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of this proceeding. Except as expressly provided herein, the Parties shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposedly underlying any agreement provided herein in total or by specific item. The Parties further agree that this Stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation.



16. This Stipulation may be executed in as many counterparts as there are Parties to this Stipulation, each of which counterparts shall be an original, but all of which shall constitute one and the same instrument.

AQUA NEW JERSEY, INC.  
WALLKILL SEWER DIVISION

11/14/2019  
Date

By: Courtney L. Schultz  
Saul Ewing Arnstein & Lehr LLP  
Courtney L. Schultz, Esq.  
Attorney for Petitioner

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the  
New Jersey Board of Public Utilities

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Paul Youchak  
Deputy Attorney General

STEFANIE A. BRAND, ESQ.  
DIRECTOR – RATE COUNSEL

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Susan E. McClure, Esq.  
Assistant Deputy Rate Counsel

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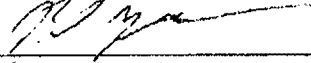
AQUA NEW JERSEY, INC.  
WALLKILL SEWER DIVISION

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Saul Ewing Arnstein & Lehr LLP  
Courtney L. Schultz, Esq.  
Attorney for Petitioner

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the  
New Jersey Board of Public Utilities

Nov 8 2019  
Date

By: \_\_\_\_\_  
  
Paul Youchak  
Deputy Attorney General

STEFANIE A. BRAND, ESQ.  
DIRECTOR - RATE COUNSEL

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Susan McClure, Esq.  
Assistant Deputy Rate Counsel

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AQUA NEW JERSEY, INC.  
WALLKILL SEWER DIVISION

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Saul Ewing Arnstein & Lehr LLP  
Courtney L. Schultz, Esq.  
Attorney for Petitioner


GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the  
New Jersey Board of Public Utilities

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Paul Youchak  
Deputy Attorney General

STEFANIE A. BRAND, ESQ.  
DIRECTOR – RATE COUNSEL

11/15/19  
\_\_\_\_\_  
Date

By: \_\_\_\_\_  
  
Susan McClure, Esq.  
Assistant Deputy Rate Counsel

# **EXHIBIT A**

Aqua New Jersey, Inc.  
Waikiki PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

A.) 2018 Treatment Expenses Paid to SCMUA:

<u>Quarter</u>	<u>Amount</u>	<u>Invoice #</u>	<u>Reference</u>
Q1	\$37,421	None	Exhibit B
Q2	\$37,421	None	Exhibit B
Q3	\$37,421	None	Exhibit B
Q4	\$37,421	None	Exhibit B
Credit	\$2,026	None	Exhibit B
	<b>\$151,711</b>		

Total 2018 Actual Treatment Expense

Lines 6.) thru 11.) - 12.)

Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

B.) 2018 Revenues Billed to Walkill Customers:

<u>Class</u>	<u>Customers</u>	<u>Meter Size</u>	<u>Gallons</u>	<u>Amount</u>	<u>Rate per 1,000 Gals.</u>	<u>% of Revenue</u>
Residential - Single Family	369	-	17,712	\$93,519	\$5.28	66.36%
Commercial, Industrial, School, Business, & Religious	40	-	8,978	\$47,404	\$5.28	33.64%
<b>Subtotal:</b>	<b>409</b>		<b>26,690</b>	<b>\$140,923</b>		<b>100.00%</b>

Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

C.) 2018 Reconciliation - Over/(Under) Recovery:

		<u>Reference</u>
C.1) Actual Revenue 2018	\$140,923	B.)
Prospective Revenue Authorized 2018	\$133,409	Exhibit A; Ex. A, Page 7
Over/(Under) Recovery 2018	<u>\$7,514</u>	
C.2) Actual Expense 2018	\$151,711	A.)
Projected Expense 2018	\$155,463	Exhibit A; Page 2 Sub B
Over/(Under) Recovery 2018	<u>\$3,752</u>	
Total Over/(Under) Recovery 2018	\$11,266	

*Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018*

**D.1 Cost of Filing Application:**

	<u>Amount</u>
Legal	\$ 7,500.00
Notification & Other	\$ 250.00
Transcripts	\$ 250.00
Total	<u>\$8,000</u>



Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

E.) Prospective 2020 Rate Adjustment:

- 1.) Projected 2020 Sewage Volume (KGallons)
- 2.) 2019 Volumetric Rate
- 3.) Projected Calendar Year 2020 Revenue
- 4.) Projected 2020 SCMUA Billings (Based on 2019)
- 5.) Prospective Adj. for Rates Effective 1/1/2020

<u>Calculation</u>	<u>Reference</u>
26,069	3 Year Avg
\$5.08	
<u>\$132,431</u>	KGals x 2019 Vol Rate
\$148,586	Exhibit B
<u>\$16,155</u>	Lines 4.) - 3.)

3 Yr. Avg. Annual Gallons	
2016	25,205
2017	26,312
2018	26,690
<b>Average</b>	<b>26,069</b>

Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

F.) PSTAC Revenue at Present Rates (2019):

<u>Class</u>	<u>Customers</u>	<u>KGallons</u>	<u>2019 Current Rate</u>	<u>PSTAC Revenue at Present Rates</u>	<u>% of Revenue</u>
Residential - Single Family	373	17,300	\$5.08	\$87,883.45	66.36%
Commercial, Industrial, School, Business, & Religious	40	8,769	\$5.08	\$44,547.07	33.64%
Total:					
<b>Total PSTAC Revenue at Present Rates =&gt;</b>				<u><u>\$132,431</u></u>	

**Aqua New Jersey, Inc.**  
**Walkill PSTAC Reconciliation/True-Up**  
**For Calendar year ending December 31, 2018**

**G.) PSTAC Calculation:**

	<u>Amount</u>	<u>Reference</u>
1.) Projected 2020 Calendar Year Billings by SCMUA	\$148,586	E.)
2.) Over Recovery 2018	(\$11,266)	C.)
3.) Interest on Over Recovery	(\$107)	
4.) Cost of Filing Application (\$8,000 x 50%)	<u>\$4,000</u>	D.)
5.) 2020 PSTAC Revenue Requirement	<u>\$141,212</u>	Sum Lines 1 thru 3
6.) PSTAC Revenue at Present (2019) Rates	<u>\$132,431</u>	F.)
7.) Subtotal PSTAC Request	<u>\$8,782</u>	Line 5 minus Line 6

Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

H.J Rate Design:

<u>Class</u>	<u>Customers</u>	<u>KGallons</u>	<u>2019 Current Rate</u>	<u>% of Revenue</u>	<u>Assessment</u>	<u>New Rate</u>	<u>% Change</u>
Residential - Single Family	373	17,300	\$5.08	66.36%	\$5,827.83	\$5.42	6.63%
Commercial, Industrial, School, Business, & Religious	40	8,769	\$5.08	33.64%	\$2,954.06	\$5.42	6.63%
Total:					<u>\$8,782</u>		

Aqua New Jersey, Inc.  
Walkill PSTAC Reconciliation/True-Up  
For Calendar year ending December 31, 2018

I.) Proof of Revenue:

<u>Class</u>	<u>Customers</u>	<u>KGallons</u>	<u>New Rate</u>	<u>Prospective 2020 Revenue</u>
Residential - Single Family	373	17,300	\$5.42	\$93,711.29
Commercial, Industrial, School, Business, & Religious	40	8,769	\$5.42	\$47,501.12
Total:				<u>\$141,212</u>

**2019 Walkkill PSTAC True Up**

Interest Calculation (Rate = 30 Yr Treasury @ 12/29/17 => 2.74%, @ 7/24/18 = 3.08%)

Month	Year	Refund*	APR %	Month % Rate	Interest
January	2018	\$ 938.85	0.0274	0.00228	2.14
February	2018	1,879.84	0.0274	0.00228	4.29
March	2018	1,881.99	0.0274	0.00228	4.30
April	2018	1,882.00	0.0274	0.00228	4.30
May	2018	1,882.00	0.0274	0.00228	4.30
June	2018	1,882.00	0.0274	0.00228	4.30
July	2018	1,882.00	0.0274	0.00228	4.30
August	2018	1,882.00	0.0274	0.00228	4.30
September	2018	1,882.00	0.0274	0.00228	4.30
October	2018	1,882.00	0.0274	0.00228	4.30
November	2018	1,882.00	0.0274	0.00228	4.30
December	2018	1,882.00	0.0274	0.00228	4.30
January	2019	1,882.00	0.0308	0.00257	4.83
February	2019	1,882.53	0.0308	0.00257	4.83
March	2019	1,882.53	0.0308	0.00257	4.83
April	2019	1,882.53	0.0308	0.00257	4.83
May	2019	1,882.53	0.0308	0.00257	4.83
June	2019	1,882.53	0.0308	0.00257	4.83
July	2019	1,882.53	0.0308	0.00257	4.83
August	2019	1,882.53	0.0308	0.00257	4.83
September	2019	1,882.53	0.0308	0.00257	4.83
October	2019	1,882.53	0.0308	0.00257	4.83
November	2019	1,882.53	0.0308	0.00257	4.83
December	2019	1,882.53	0.0308	0.00257	4.83

\* 2018 Over-Recovery \$11,266 pro-rated

**Total Interest to be Refunded to Customers**

**\$ 107**